

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:33 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

NINETEENTH DAY
(Tuesday, February 15, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Brooks, Longoria, Meier.

A quorum was announced present.

The Reverend George Ricker, University Methodist Church, Austin, Texas, offered the invocation as follows:

O Lord, our God, You are the Creator and Sustainer of life; we acknowledge our dependence upon You. Our lives are Your gifts. Our being here at this time, in this place, with these people, is part of the great mystery of life. We dare call this mystery love and affirm that this is what You are.

We marvel at the circumstances that bring us together at this hour: home influences, school training, vocational choices, the voice of the people, and, above all, Your sustaining power. We do not live apart from You, and You call us into responsible, dependent relationships with one another.

Save us from pride and self-seeking; free us from fear or hysteria as we face differences of opinion; cleanse us from myopic vision and closed minds. With malice toward none and charity for all, enable us to perform our tasks this day to the honor of Your name and the good of Your people. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Meier was granted leave of absence for today on account of important business on motion of Senator Santiesteban.

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Williams.

Senator Longoria was granted leave of absence for today on account of official business on motion of Senator Traeger.

REPORTS OF STANDING COMMITTEES

Senator Braecklein, Vice-Chairman, submitted the following report for the Committee on Human Resources:

S.B. 60 (Amended)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 446

S.B. 87 (Amended)

Senator Braecklein, Vice-Chairman, submitted the following report for the Committee on Human Resources:

S.B. 395

Senator Moore submitted the following report for the Committee on State Affairs:

H.B. 95

C.S.S.B. 194 (Read first time)

C.S.S.J.R. 15 (Read first time)

Senator Aikin submitted the following report for the Committee on Finance:

S.B. 110

S.B. 59 (Amended)

S.B. 536

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 596 by Andujar Economic Development
An Act to Safeguard Persons and Property; to Provide for the Inspection of Electrical Wiring; to Create an Electrical Administrative Procedure; to Exempt Certain Political Subdivisions of the State Under Specific Conditions and to Prescribe Penalties Under the Provisions of this Act.

S.B. 597 by Aikin Intergovernmental Relations
Relating to creation of the office of District Attorney of the Fifth Judicial District and the office of County Attorney of Cass County; abolishing the office of Criminal District Attorney of Cass County; repealing Chapter 306, Acts of the 54th Legislature, Regular Session, 1955 (Article 326k-32, Vernon's Texas Civil Statutes)

S.B. 598 by Aikin Education
Relating to the organization, control, and management of East Texas State University; amending Sections 100.01 and 100.11, Texas Education Code, and repealing Sections 100.12, 100.15, 100.16, and 100.31, Texas Education Code.

S.B. 599 by Brooks Intergovernmental Relations
Relating to a city's providing fire protection and enforcing its fire protection code in designated industrial districts within its extraterritorial jurisdiction; amending the Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), by adding Section 5A.

S.B. 600 by Jones of Harris Jurisprudence
Relating to class actions; amending Title 42, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 1994a.

S.B. 601 by Jones of Harris Human Resources
Amending Chapter 21 of the Insurance Code, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as amended, by adding a new article, to be known as Article 21.53, relating to the right to select a doctor of chiropractic to perform the services which fall within the scope of license of such doctor that are scheduled in a health or accident insurance policy, agreement, contract, or certificate; relating to the applicability of Articles 13.09 and 21.41, Insurance Code, and in Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955, as added by Chapter 32, Acts of the 60th Legislature, Regular Session, 1967, (Article 3.70-2, Vernon's Insurance Code) to the provisions of this act, repealing laws or parts of laws in conflict herewith; and declaring an emergency.

S.B. 602 by Williams Economic Development
Relating to exemption of certain persons and organizations who install and service fire alarm and fire detection systems from certain licensing requirements; amending Sections 2(5) and 3(a), The Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes).

S.B. 603 by Mengden Jurisprudence
Relating to the payment of rewards to persons who provide information leading to arrest and conviction of certain drug offenders.

S.B. 604 by Ogg Education
Relating to refunding of certain tuition and fees by institutions of higher education; amending Subchapter A, Chapter 54, Texas Education Code, by adding Section 54.006; and declaring an emergency.

S.B. 605 by Ogg Finance
Relating to credit for sales taxes on sales for which payment is written off as a bad debt; amending Section (L), Article 20.021, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 606 by Ogg Jurisprudence
Providing for the joinder of offenses and severances and amending Sections 3.01 and 3.04 of the Penal Code.

S.B. 607 by Ogg Jurisprudence
Relating to fees paid by probationers; amending Article 42.12, Code of Criminal Procedure; and declaring an emergency.

S.B. 608 by Mengden Human Resources
Relating to requiring semiannual meetings at each nursing home to discuss conditions at the home; amending Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes), by adding Section 7A.

S.B. 609 by Mauzy Jurisprudence
Relating to persons authorized to conduct marriage ceremonies; amending Section 1.83, Family Code.

S.B. 610 by Clower Intergovernmental Relations
Relating to the method of filling a vacancy in the office of county commissioner; amending Article 2341, Revised Civil Statutes of Texas, 1925.

S.B. 611 by Patman Education
Requiring the state auditor to prepare biennial reports on public school salaries.

S.B. 612 by Patman Administration
Relating to creation of a central depository for computer software documentation prepared by state agencies; amending Chapter 325, Acts of the 59th Legislature, Regular Session, 1965 (Article 6252-12a, Vernon's Texas Civil Statutes).

S.C.R. 41 by Patman State Affairs
Memorializing Congress to amend the Internal Revenue Code to remove member contributions made to the Employees Retirement System and Judicial Retirement Administration and The Teacher Retirement System from the taxable base of a state employee's income.

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 30, To Committee on Education.

CO-AUTHOR OF SENATE BILL 87

On motion of Senator Traeger and by unanimous consent, Senator Hance will be shown as Co-author of **S.B. 87**.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

H.B. 450
S.B. 359

MESSAGE FROM THE HOUSE

House Chamber
February 15, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 188, An act amending Section 13.039 of the Texas Education Code relating to areas of specialization designated in teacher certificates, and declaring an emergency.

S.B. 330, Relating to the creation of certain new judicial districts and the reorganization of certain existing districts; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Sections 3.044-3.066; amending Subdivisions 15, 52, and 69, Article 199, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 331, Relating to permitting the Railroad Commission of Texas to transfer certain funds appropriated by the General Appropriations Act for the fiscal year ending August 31, 1977, from oil and gas regulation to natural gas utilities.

H.C.R. 44, In memory of former representative J. E. Ward.

H.C.R. 45, In memory of representative G. J. Sutton.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

MOTION TO PLACE SENATE BILL 34 ON SECOND READING

Senator Moore asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 34, A bill to be entitled An Act relating to the effect of certain speeding violations on insurance availability and premiums and on drivers' license suspensions; amending Section 169B, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Subsections (k) and (l).

There was objection.

Senator Moore then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 34** for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 23, Nays 5.

Yeas: Aikin, Andujar, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Doggett, Jones of Taylor, Sherman.

Absent-excused: Brooks, Longoria, Meier.

SENATE BILL 117 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 117, A bill to be entitled An Act relating to the possession of firearms in the automobile or hunting camp of bow hunters during the special archery season; amending Section 62:054, Parks and Wildlife Code.

The bill was read second time and was passed to engrossment.

SENATE BILL 117 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 117** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: McKnight.

Absent-excused: Brooks, Longoria, Meier.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 147 ON THIRD READING

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 147, A bill to be entitled An Act relating to activities which are permitted without a plumbing license; amending Section 2 by adding Subsection (g), and amending Section 3, Plumbing License Law of 1947 (Article 6243-101, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion prevailed by the following vote: Yeas 21, Nays 7.

Yeas: Adams, Aikin, Andujar, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger.

Nays: Braecklein, Doggett, Kothmann, Mauzy, Parker, Truan, Williams.

Absent-excused: Brooks, Longoria, Meier.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 9.

Yeas: Adams, Aikin, Andujar, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, McKnight, Mengden, Moore, Patman, Santiesteban, Sherman, Snelson, Traeger.

Nays: Braecklein, Doggett, Kothmann, Mauzy, Ogg, Parker, Schwartz, Truan, Williams.

Absent-excused: Brooks, Longoria, Meier.

SENATE BILL 333 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 333, Relating to increasing the maximum hotel occupancy tax for cities to four percent; amending Sections 3a and 3c(b), Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan.

Nays: Doggett, Lombardino, Ogg, Williams.

Absent-excused: Brooks, Longoria, Meier.

SENATE BILL 333 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 333** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan.

Nays: Doggett, Lombardino, Ogg, Williams.

Absent-excused: Brooks, Longoria, Meier.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan.

Nays: Doggett, Lombardino, Ogg, Williams.

Absent-excused: Brooks, Longoria, Meier.

MEMORIAL RESOLUTIONS

H.C.R. 44 (Creighton): Memorial resolution for J. E. Ward.

S.R. 201 - by Adams: Memorial resolution for Mrs. Alberta Porter Overstreet.

S.R. 203 - by Snelson: Memorial resolution for Charles William Chancellor, Sr.

S.R. 204 - by Snelson: Memorial resolution for Mrs. Myrtle Kincaid Childress.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 199 - by Doggett: Extending welcome to the Reverend George Ricker.

S.R. 202 - by Ogg: Extending welcome to Women's Council of the Houston Board of Realtors.

S.R. 205 - by Schwartz: Extending welcome to Joseph Michael Silvas, Stephen Christopher Silvas and John Robert Silvas.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:10 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(February 15, 1977)

S.B. 359

In Memory
of
Mrs. Beatrice Neve Jungmichel

Senator Moore offered the following resolution:

(Senate Resolution 200)

WHEREAS, The many friends and relatives of Mrs. Beatrice Neve Jungmichel of Austin were deeply saddened by the death of this distinguished and beloved woman on February 3, 1977, at the age of 81; and

WHEREAS, Born October 5, 1895, Mrs. Jungmichel was a native of Thrall, Williamson County, Texas and, upon completion of her high school education in the Thrall public schools and her graduation from Southwestern University in Georgetown, this charming young lady returned to her hometown where she taught for two years; and

WHEREAS, A resident of Austin for nearly 50 years, Mrs. Jungmichel was with the Texas Treasury Department for nine years until her retirement in 1964; she also worked diligently for the Texas Senate in enrolling and engrossing during the 59th, 60th, 61st, and 62nd Legislatures under the sponsorship of Senator William T. "Bill" Moore; and

WHEREAS, In addition to her many professional responsibilities, Mrs. Jungmichel was a faithful and devoted member of the Central Christian Church where she served as a deaconess and member of the CWF; she was also active in Travis County Chapter No. 472, Eastern Star; and

WHEREAS, This esteemed woman was a model of devotion to her family; her son, Charles H. Jungmichel served as a member of the Texas House of Representatives for four terms and is presently with the Texas Animal Health Commission; and

WHEREAS, As one who generously donated time and energy to helping others, Mrs. Jungmichel will be deeply missed by all who knew and loved her; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas pay tribute to the exemplary life of Mrs. Beatrice Neve Jungmichel, and extend sympathy on their great loss to the members of her family: to her children, Charles H. Jungmichel of LaGrange, Harold (Buddy) Jungmichel and Mrs. Jerry J. Booth, both of Austin, and to several grandchildren and great-grandchildren; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of her immediate family, and that when the Texas Senate adjourns this day, it do so in memory of Mrs. Beatrice Neve Jungmichel.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.